

Senate File 2156 - Enrolled

PAG LIN

SENATE FILE 2156

AN ACT

RELATING TO REGULATION OF COMMERCIAL MOTOR VEHICLE OPERATORS
BY THE STATE DEPARTMENT OF TRANSPORTATION AND PROVIDING
PENALTIES.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

Section 1. Section 321.1, subsection 11, Code 2007, is
amended by adding the following new paragraph:

NEW PARAGRAPH. f. "Employer" means any person, including
the United States, a state, the District of Columbia, or a
political subdivision of a state, who owns or leases a
commercial motor vehicle or assigns an employee to operate
such a vehicle.

Sec. 2. Section 321.1, subsection 11, paragraphs f, g, and
h, Code 2007, are amended to read as follows:

~~f. g.~~ "Foreign jurisdiction" means a jurisdiction outside
the fifty United States, the District of Columbia, and Canada.

~~g. h.~~ "Nonresident commercial driver's license" means a
commercial driver's license issued to a person who is not a
resident of the United States or Canada.

~~h. i.~~ "Tank vehicle" means a commercial motor vehicle that
is designed to transport any liquid or gaseous materials

~~within a tank having a rated capacity of one thousand one or
more gallons that is either permanently or temporarily~~

~~attached to the vehicle or chassis. For purposes of this~~

~~paragraph, "tank" does not include a portable tank with a~~

~~rated capacity of less than one thousand gallons or a~~

~~permanent tank with a rated capacity of one hundred nineteen~~

~~gallons or less.~~

Sec. 3. Section 321.1, subsection 15, Code 2007, is
amended to read as follows:

15. "Conviction" means a final conviction, a final
~~administrative ruling or determination~~, or an unvacated

forfeiture of bail or collateral deposited to secure a
person's appearance in court.

Sec. 4. Section 321.1, subsection 42, paragraph a, Code
2007, is amended to read as follows:

a. "Motor vehicle" means a vehicle which is
self-propelled, ~~but not including vehicles known as trackless~~

~~trolleys which are propelled by electric power obtained from~~

~~overhead trolley wires and are not operated upon rails.~~

Sec. 5. Section 321.208, subsection 1, paragraph d, Code
2007, is amended to read as follows:

d. Operating a commercial motor vehicle involved in a
fatal accident and being convicted of ~~a moving traffic~~

~~violation that contributed to the fatality, or manslaughter or~~
vehicular homicide.

Sec. 6. Section 321.208, subsection 6, Code 2007, is
amended to read as follows:

6. A person is disqualified from operating a commercial
motor vehicle if the person receives convictions for

committing within any three-year period two or more of the
following offenses while operating a commercial motor vehicle

or while operating a noncommercial motor vehicle and holding a

commercial driver's license if the convictions result in the

revocation, cancellation, or suspension of the person's

commercial driver's license or noncommercial motor vehicle

driving privileges:

a. Operating a commercial motor vehicle upon a highway
when not issued a commercial driver's license.

b. Operating a commercial motor vehicle upon a highway
when not issued the proper class of commercial driver's

license or endorsements for the specific vehicle group being
operated or for the passengers or type of cargo being

transported.

c. Operating a commercial motor vehicle upon a highway
without immediate possession of a driver's license valid for

the vehicle operated.

d. Speeding fifteen miles per hour or more over the legal

speed limit.

3 4 e. Reckless driving.
3 5 f. Any violation of the traffic laws, except a parking
3 6 violation or a vehicle weight violation, which arises in
3 7 connection with a fatal traffic accident.
3 8 g. Following another motor vehicle too closely.
3 9 h. Improper lane changes in violation of section 321.306.
3 10 Sec. 7. Section 321.208, subsection 7, Code 2007, is
3 11 amended by striking the subsection.
3 12 Sec. 8. Section 321.208, subsection 8, Code 2007, is
3 13 amended to read as follows:
3 14 8. The period of disqualification under ~~subsections~~
3 15 subsection 6 and 7 shall be sixty days for two offenses within
3 16 any three-year period and one hundred twenty days for three
3 17 offenses within any three-year period. Multiple periods of
3 18 disqualification shall be consecutive.
3 19 Sec. 9. Section 321.208, subsection 10, paragraph a, Code
3 20 2007, is amended to read as follows:
3 21 a. For ~~ninety days~~ no less than one hundred eighty days
3 22 and no more than one year upon conviction for the first
3 23 violation of an out-of-service order; for ~~one year, no less~~
3 24 than two and not more than five years upon conviction for a
3 25 second violation of an out-of-service order in separate
3 26 incidents within a ten-year period; and for not less than
3 27 three and not more than five years upon conviction for a third
3 28 or subsequent violation of an out-of-service order in separate
3 29 incidents within a ten-year period.
3 30 Sec. 10. Section 321.208A, Code 2007, is amended to read
3 31 as follows:
3 32 321.208A OPERATION IN VIOLATION OF OUT-OF-SERVICE ORDER ==
3 33 ~~PENALTY~~ PENALTIES.
3 34 1. A person required to hold a commercial driver's license
3 35 to operate a commercial motor vehicle shall not operate a
4 1 commercial motor vehicle on the highways of this state in
4 2 violation of an out-of-service order issued by a peace officer
4 3 for a violation of the out-of-service rules adopted by the
4 4 department. A driver who violates an out-of-service order
4 5 shall be subject to a fine of not less than two thousand five
4 6 hundred dollars upon conviction for the first violation of an
4 7 out-of-service order and not less than five thousand dollars
4 8 for a second or subsequent violation of an out-of-service
4 9 order in separate incidents within a ten-year period.
4 10 2. An employer shall not knowingly allow, require, permit,
4 11 or authorize an employee to drive a commercial motor vehicle
4 12 in violation of ~~such an~~ out-of-service order. ~~A person who~~
4 13 ~~violates this section shall be subject to a scheduled fine of~~
4 14 ~~one hundred dollars under section 805.8A, subsection 13,~~
4 15 ~~paragraph "c". An employer who violates this subsection shall~~
4 16 ~~be subject to a fine of not less than two thousand seven~~
4 17 ~~hundred fifty dollars and not more than twenty-five thousand~~
4 18 ~~dollars.~~
4 19 Sec. 11. NEW SECTION. 321.343A EMPLOYER VIOLATIONS ==
4 20 PENALTY.
4 21 An employer shall not knowingly allow, require, permit, or
4 22 authorize a driver to operate a commercial motor vehicle in
4 23 violation of section 321.341 or 321.343 or any other federal
4 24 or local law or regulation pertaining to railroad grade
4 25 crossings. An employer who violates this section shall be
4 26 subject to a fine of not more than ten thousand dollars.
4 27 Sec. 12. Section 321.344A, subsection 2, Code 2007, is
4 28 amended to read as follows:
4 29 2. A peace officer may initiate an investigation not more
4 30 than seven calendar days after receiving a report of a
4 31 violation pursuant to this section. The peace officer may
4 32 request that the owner of the vehicle supply information
4 33 identifying the driver of the vehicle in accordance with
4 34 section 321.484, or in the case of a commercial motor vehicle,
4 35 the peace officer may request that the employer of the driver
5 1 provide information identifying the driver of the vehicle.
5 2 a. If from the investigation, the peace officer is able to
5 3 identify the driver of the vehicle and has reasonable cause to
5 4 believe a violation has occurred, the peace officer shall
5 5 prepare a uniform traffic citation for the violation and shall
5 6 serve it personally or by certified mail on the driver of the
5 7 vehicle.
5 8 b. If, from the investigation, the peace officer has
5 9 reasonable cause to believe that a violation occurred but is
5 10 unable to identify the driver, the peace officer shall serve a
5 11 uniform traffic citation for the violation on the owner of the
5 12 motor vehicle or, in the case of a commercial motor vehicle,
5 13 on the employer of the driver. Notwithstanding section
5 14 321.484, in a proceeding where the peace officer who conducted

5 15 the investigation was not able to identify the driver of the
5 16 motor vehicle, proof that the motor vehicle described in the
5 17 uniform traffic citation was used to commit the violation of
5 18 section 321.341, 321.342, 321.343, or 321.344, together with
5 19 proof that the defendant named in the citation was the owner
5 20 of the motor vehicle or, in the case of a commercial motor
5 21 vehicle, the employer of the driver, at the time the violation
5 22 occurred, constitutes a permissible inference that the owner
5 23 or employer was the driver person who committed the violation.
5 24 c. For purposes of this subsection, "owner" means a person
5 25 who holds the legal title to a motor vehicle; however, if the
5 26 motor vehicle is the subject of a security agreement with a
5 27 right of possession in the debtor, the debtor shall be deemed
5 28 the owner for purposes of this subsection, or if the motor
5 29 vehicle is leased as defined in section 321.493, the lessee
5 30 shall be deemed the owner for purposes of this subsection.
5 31 Sec. 13. Section 805.8A, subsection 13, paragraph c, Code
5 32 2007, is amended to read as follows:
5 33 c. For violations under sections ~~321.208A~~, 321.364,
5 34 321.450, 321.460, and 452A.52, the scheduled fine is one
5 35 hundred dollars.

6 1
6 2
6 3
6 4 _____
6 5 JOHN P. KIBBIE
6 6 President of the Senate
6 7

6 8
6 9 _____
6 10 PATRICK J. MURPHY
6 11 Speaker of the House

6 12 I hereby certify that this bill originated in the Senate and
6 13 is known as Senate File 2156, Eighty-second General Assembly.

6 14
6 15
6 16
6 17 _____
6 18 MICHAEL E. MARSHALL
6 19 Secretary of the Senate
6 20 Approved _____, 2008

6 21
6 22 _____
6 23 CHESTER J. CULVER
6 24 Governor